

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 3/2/2005

ITEM No. 5

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT
Ho Residence
16-BA-2004

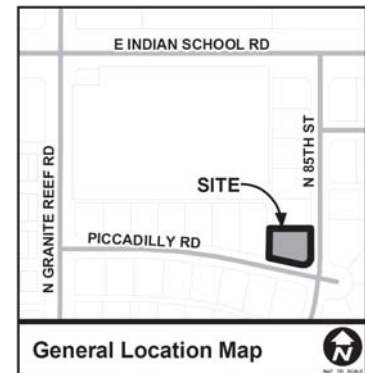
REQUEST
Request to approve a variance from Article V., Section 5.504. G. 1, regarding wall heights within the required front yard for a wall to be located on the property line along Piccadilly Road.

OWNER
Amy Ho
602-628-8869

APPLICANT CONTACT
AMY HO
602-561-4494

LOCATION
3918 N 85th Street

CODE ENFORCEMENT
ACTIVITY
This site was issued a citation for the construction of a wall in the right-of-way of Piccadilly Road.



PUBLIC COMMENT
None.

ZONE
R1-7 Single-family residential district – Seven thousand (7,000) square feet per lot.

ZONING/DEVELOPMENT
CONTEXT
The subject property is Lot 51 in the Pointe Scottsdale Unit One subdivision. The surrounding properties are improved with single-family residences and are also located in the Pointe Scottsdale Unit One subdivision.

ORDINANCE
REQUIREMENTS
Article V, Section 5.204.G.1. requires that walls, fences and hedges shall not exceed 3-feet in height on the front property line or within the required front yard.

DISCUSSION
Lot 51 is a corner lot adjacent to a key lot on Piccadilly Road. The Zoning Ordinance defines a key lot as "a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot". In the R1-7 zoning district where a corner lot abuts a key lot there must be a front yard of not less than 10 feet on the intersecting street (Piccadilly Road). The Ordinance also requires that walls, fences and

hedges shall not exceed 3 feet in height on the front property line or within the required front yard. It is the applicant's desire to place a wall 6 feet in height on the property line along Piccadilly Road.

The applicant asserts that a block wall was built in the right-of-way and that block wall was intended to replace an existing nonconforming wood fence that was located on the property line. The Zoning Ordinance precludes replacing the nonconforming wood fence with a block wall because of its nonconforming status. The block wall that was built in the right-of-way will need to be removed regardless of whether this variance request is approved or denied.

The applicant also states that they own both the key lot and the corner lot, therefore that the key lot owner is not affected by this request.

FINDINGS

1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:

The applicant's findings state that construction of the wall, which would replace the wood fence, would be 5-feet closer to the house per the zoning regulations would leave only 4 to 8 feet between the fence and house; and the existing wood fence maintenance would need more repairs over time. There are no special circumstances about this property that warrant a variation from the development standards of the R1-7 district. The lot is not of an unusual size, shape or configuration compared to other properties in the Pointe Scottsdale Unit One subdivision. The lot is almost rectangular with its southeast corner being skewed out such that the southeast corner is enlarged compared to the other corners of the property. The lot is almost level with little grade change. It is a corner lot adjacent to a key lot. Staff does not find that a corner lot is a special circumstance that requires a variation from the zoning requirements of the R1-7 district.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

There is a swimming pool in the back yard and the fence provides a barrier for the pool. The applicant contends that the variance will create a condition that is more secure, better appearance, and less maintenance with the proposed wall. The corner lot, adjacent to a key lot, side street setback is 10 feet that creates a yard being a minimum 5-foot, widening to 10 feet, along Piccadilly Road. Interior lots within the subdivision have a side yard setback of 5 feet. The proposed variance would result in a yard being minimum 15-foot, widening to 20 feet, along Piccadilly Road. This condition is 10-feet to 15-feet wider than interior lot side yards.

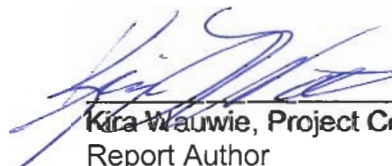
3. That special circumstances were not created by the owner or applicant:

The applicant states that the fence existed when the house was purchased and the fence requires repair and maintenance. There are no a special circumstances created by the applicant except a desire to replace an existing nonconforming wood fence with a block wall – the wood fence may be maintained and kept in good repair in its present location but cannot be replaced with alternative fence types.

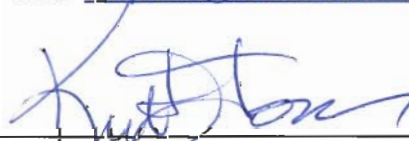
4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The statement of finding by the applicant is that the fence does not present any danger to the public but is a positive affect by providing added security for the pool, enhanced aesthetics, and it does not block traffic views or hiding places. The required 10-foot setback creates a minimal visual impact to the neighborhood, and promotes a greater front yard character for the key lot adjacent to the corner lot. The placement of the wall on the property line would eliminate that character.

STAFF CONTACT



Kira Wauwie, Project Coordination Manager
Report Author
Phone: 480-312-7061
E-mail: Kwauwie@Scottsdaleaz.gov



Kurt Jones, Current Planning Director
Phone: 480-312-2524
E-mail: Kjones@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Project Description / Variance Details

Case Numbers: 275 - PA - 04 / _____ - BA - _____

Project Name: MASONRY FENCE

Location: SOUTH SIDE OF PROPERTY

Property Details:

☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

Use: _____ Zoning: _____

Number of Buildings: 1 Height: _____

Setbacks: N - _____ S - _____ E - _____ W - _____

Description of Request:

Section of the Zoning Ordinance to be varied: _____

Project Narrative: Unaware of the set back ordinance in Scottsdale
a brick fence was constructed too close to the sidewalk
we are now applying for a variance so that the fence can
remain where it stands. It was constructed by the
owner following specification of similar properties in
the neighborhood, therefore we ask that you consider
allowing this masonry fence to remain.

Scottsdale Ordinance Requires: _____

Request: _____

Amount of Variance: _____

ATTACHMENT #1

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a separate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

See attached paper

2. Special circumstances were not created by the owner or applicant:

The existing wood fence was existing when the house was purchased it was not constructed last many years. therefore, will require repair maintenance.

3. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

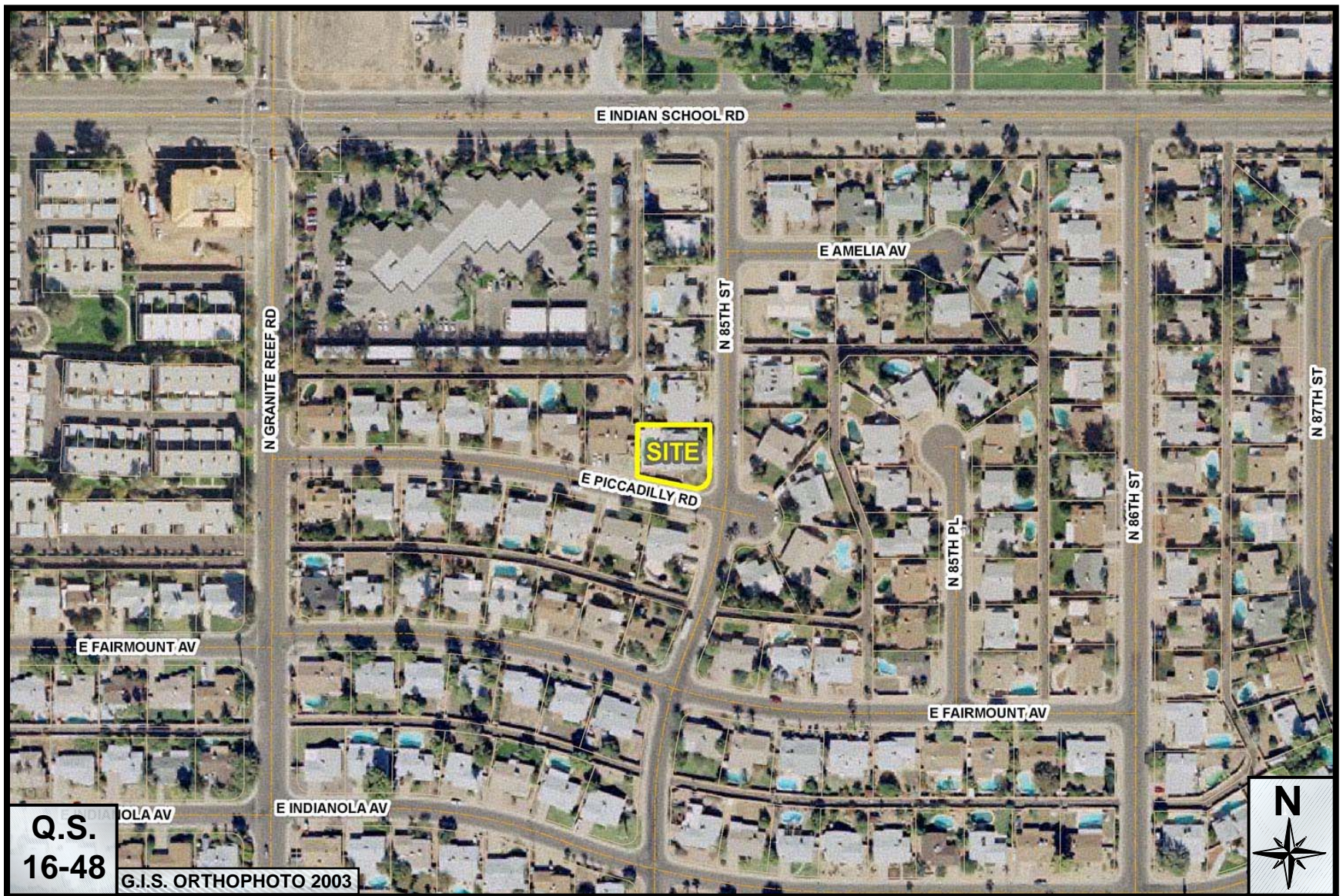
By authorizing this variance, the pool will be more secure & the property will look nice, and less maintenance will be needed.

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

The fence in question is in no way a danger to the public, in fact it only affect the neighborhood in a positive way. It will provide added security for the pool; It enhances the aesthetics of the property and the nearby houses, this fence does not block the view of traffic and will not create any hiding places.

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



Ho Residence Variance

16-BA-2004

ATTACHMENT #3



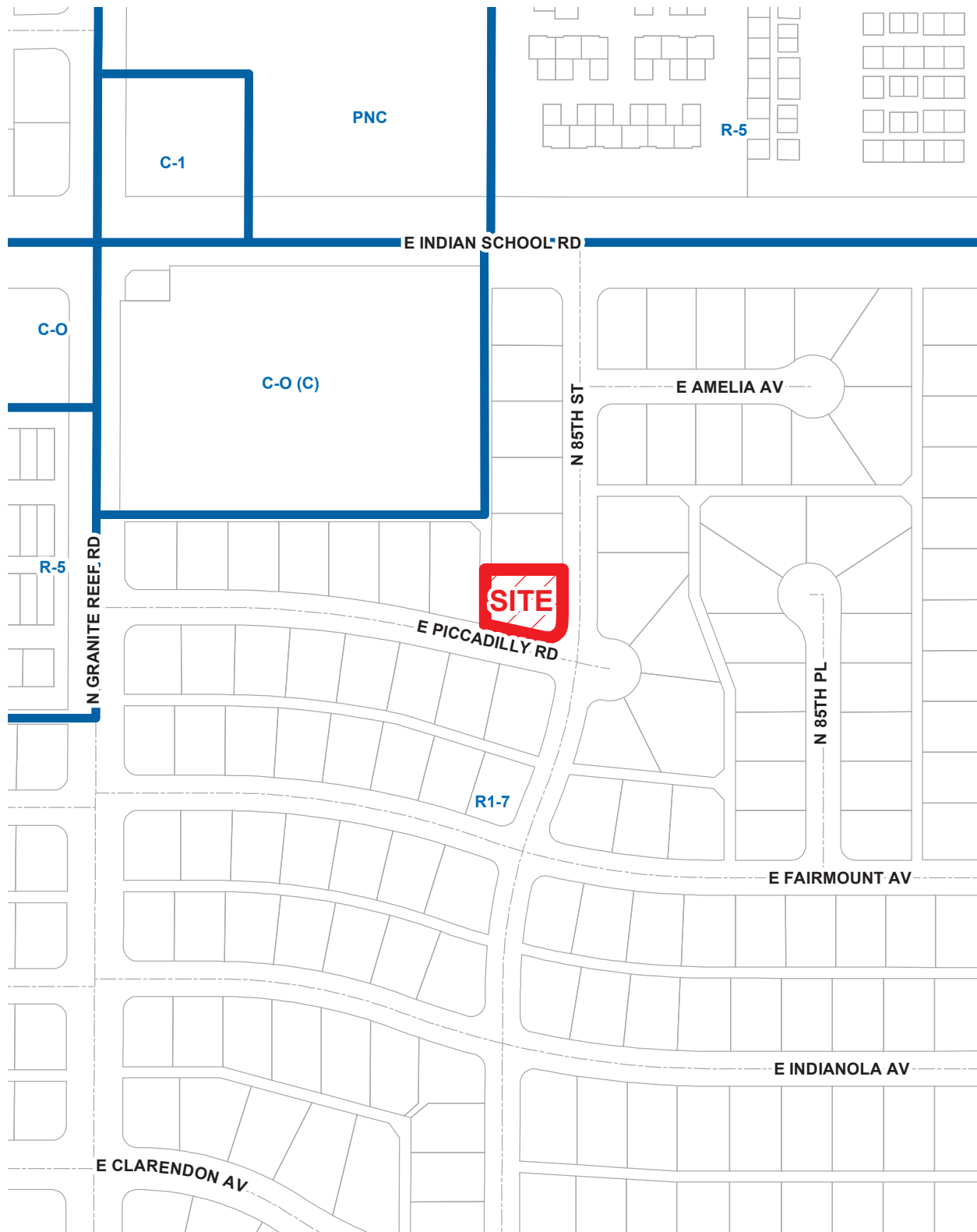
Q.S.
16-48

G.I.S. ORTHOPHOTO 2003

Ho Residence Variance

16-BA-2004

ATTACHMENT #4



16-BA-2004

ATTACHMENT #5

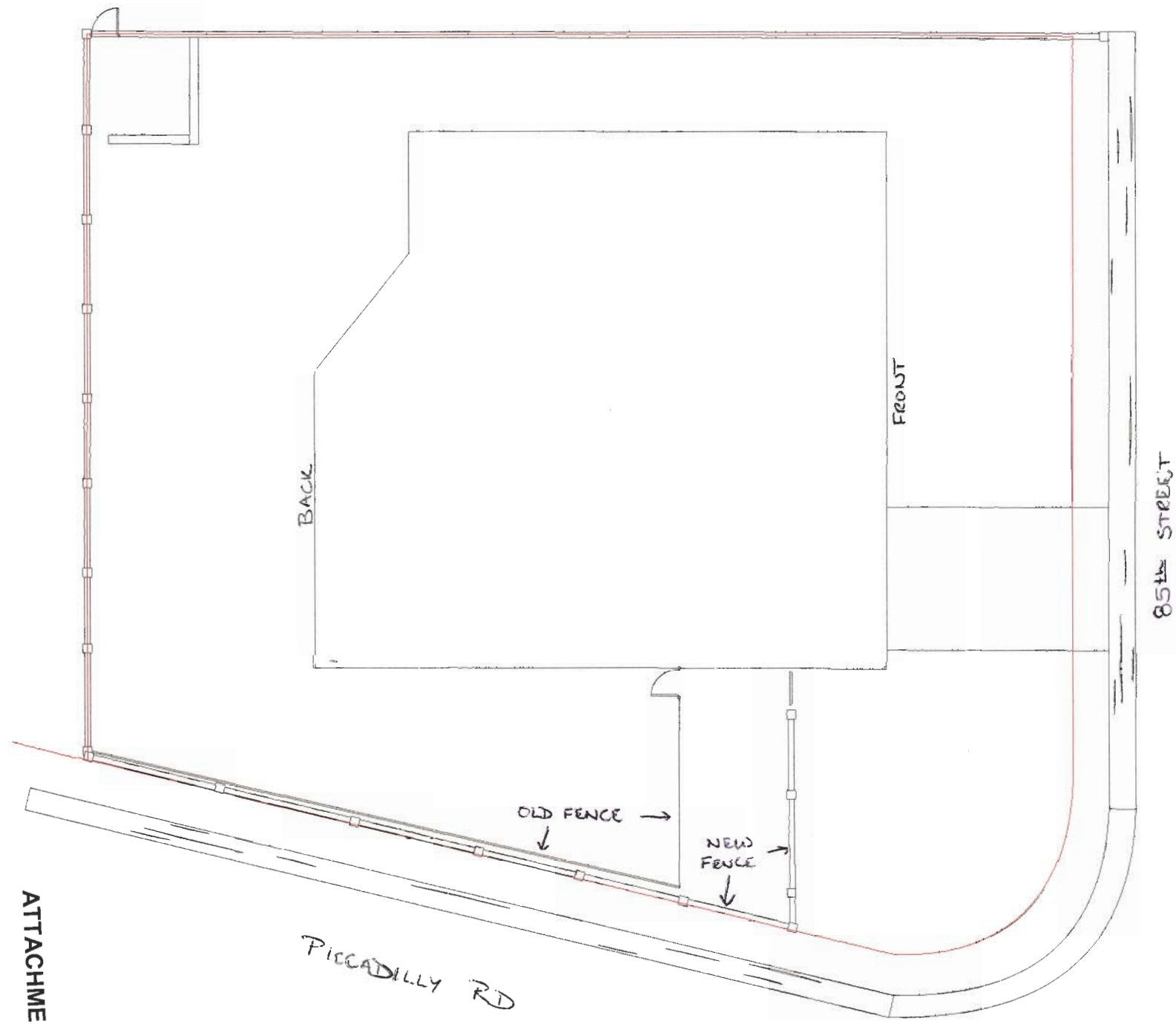
16-BA-2004

Ho Residence Variance Request

Attachment #6: Photographs

Due to the size of this attachment it has not been included in the on-line version of the staff report.

The above attachment is on file at the City of Scottsdale Current Planning office, 7447 E Indian School Road, Suite 105.



3819 N 85th St
Scottsdale, AZ 85251

1/16" = 1 foot